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OFFICE OF PETITIONS

In re Application of
Frederic M. Newman
Application No. 10/046,688
Filed: January 16, 2002
Attorney Docket No. 035

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: DECISION GRANTING PETITION
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This is a decision on the petition filed April 4, 2002, requesting that the above-identified application be accorded a filing date of January 16, 2002.

On January 16, 2002, the above-identified application was deposited. On February 28, 2002, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (Notice), stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the omitted drawings.

On April 4, 2002, applicant filed, inter alia, the present petition and three (3) sheets of formal drawings consisting of Figures 1-4. The petition is accompanied by a copy of applicant's postcard receipt acknowledging receipt of three (3) sheets of drawings in the United States Patent and Trademark Office (Office) on January 16, 2002. Applicant requests that the application, including three (3) sheets of drawings, be accorded a filing date of January 16, 2002.

Upon review of the record, three (3) sheets of drawings, deposited on January 16, 2002, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on January 16, 2002, included three (3) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including three (3) sheets of drawings, was complete on filing and entitled to a filing date of January 16, 2002.

Accordingly, the petition is granted.

The Notice mailed February 28, 2002, was sent in error and is hereby vacated. Therefore, no petition fee is necessary. The \$130.00 petition fee will be refunded by treasury check.

The application file is being returned to the Office of Initial Patent Examination for **correction of the filing date to** January 16, 2002, using the three (3) sheets of drawings

submitted on April 4, 2002, and indicating in the Office records that three (3) sheets of drawings were included on filing. Additionally, the Office of Initial Patent Examination is directed to mail a corrected filing receipt to applicant.

Any inquiries related to this decision should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

Christina Tartera Donnell

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